

IV. AMENDMENTS TO THE DRAWINGS

--- Replacement and annotated mark-up drawing sheets for amended figures showing the amended figures, if any, are attached at the Appendix hereto. Each figure is in compliance with 37 C.F.R. § 1.84. An explanation of the changes, if any, is set forth below in this “Amendments to the Drawings” section. Replacement drawing sheets are identified in the top margin as “Replacement Sheet.” Any replacement drawing sheet including amended figures includes all of the figures appearing on the immediate prior version of the sheet. Any annotated drawing sheets, if the same are required by the Examiner, are identified in the top margin as “Annotated Marked-Up Drawings.” Any deleted figure is noted by an instruction to delete the figure. Any corresponding amendment to the specification necessary to be made because of an amendment to the drawings in this section is made in the corresponding “Amendments to Specification” section.

- THE DRAWINGS OF THE PATENT IS HEREBY AMENDED AS SET FORTH BELOW:
 - *No Drawings are Present in this Application*
 - *Attachments: None*

V. REMARKS/ARGUMENTS

- STATUS OF THE CLAIMS

Claims 1, 5-9 remain pending in this application. Claims 1 and 5 are currently amended. Claims 2-4 are cancelled. Claims 6-9 are new.

- OBJECTIONS

- OBJECTIONS TO CLAIMS

No objections have been made to the claims by the Examiner.

- REJECTIONS

- REJECTION UNDER 35 U.S.C. §112, Second Paragraph

- Examiner's position

The Examiner rejected claims 1 – 5 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states on page 2 of the Office Action that:

“It is not clear how the wafer as it exists can contain water at the recited temperature.”

and

“The recited method steps render the claim indefinite, which is directed to the low-gluten wafer product. Note that claims do not indicate that the wafer needs to be “made by method steps”.”

- Applicants' Response

Applicants respectfully traverse the rejection of claims 1-5 based in part on the assertion that one of ordinary skill in the art would find the subject matter of such claims to be clear. While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the present application, independent claim 1 and dependent claim 5 herein have been amended to recite the contents of a stock mixture that consists of about 50% of a mixture of wheat starch and pre-gelatinized wheat starch, and about 50% of water at a temperature of between about 100 degrees Fahrenheit and about 150 degrees Fahrenheit.

REJECTION UNDER 35 U.S.C. §102(b)

Applicants herein address the Examiner's 102(b) rejections in respect to the claims as set forth in the Examiner's Office Action.

- Examiner's Position

Claims 1 – 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Wernecke (DE 1927394).

- Applicants' Response

Independent Claim 1 in Respect of the Wernecke (DE 1927394) reference:

Applicants respectfully traverse the Examiner's rejections with respect to the Wernecke (DE 1927394) reference. In clear distinction to the reference, independent claim 1, as amended herein, recites a stock mixture that consists only of about 50% of a mixture of wheat starch and pre-gelatinized wheat starch, and about 50% of water at a temperature of between about 100 degrees Fahrenheit and about 150 degrees Fahrenheit.

The applicants respectfully submit that the reference cited by the Examiner does not disclose a mixture composed only of these elements, but one that includes additional elements such as fat, sugar, tapioca starch, methylcellulose, or carboxymethylcellulose (see Abstract of the Wernecke (DE 1927394) reference.)

For the reason described above, the Applicants respectfully submit that the stock mixture as set forth in independent claim 1 is not disclosed in the prior art of record (Wernecke (DE 1927394). Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. paragraph 102(b) is respectfully requested.

Therefore the Applicants respectfully submit that independent claim 1 is in condition for allowance.

- Dependent claims 5-9

The Examiner is respectfully directed to note that dependent claims 5-9 set forth additional novel features of the present invention.

All dependent claims are in condition for allowance due to their dependency from allowable independent claim, as well as for the additional novel limitations set forth therein.

CONCLUSION TO REMARKS

Applicants assert that this response is fully responsive to the Examiner's Office action dated November 30, 2006. Applicants respectfully seek early allowance of the pending claims.

Date: May 21, 2007

Respectfully Submitted,



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VI. APPENDIX

- *No Appendix Included in this Response.*